

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

BONNIE FISH, CHRISTOPHER MINO,
MONICA LEE WOOSLEY, LYNDIA D.
HARDMAN, and EVOLVE BANK &
TRUST, an Arkansas bank and trust
company,

Plaintiffs,

vs.

LEE MORGAN, ASHA MORGAN
MORAN, CHANDRA ATTIKEN, and
MORGAN FAMILY FOUNDATION,

Defendants.

No. 1:09-cv-01668

Honorable Jorge L. Alonso

Honorable Maria Valdez

JOINT STATUS REPORT AND STIPULATION ORDER

The Parties advise the Court they have agreed to the following:

WHEREAS, Plaintiffs Bonnie Fish, Christopher Mino, Monica Lee Woosley, Lynda Hardman, and Evolve Bank & Trust (collectively “Plaintiffs”), filed a Notice of Appeal to the Seventh Circuit on September 30, 2016 (ECF No. 728) regarding this Court’s judgment in favor of Defendants and its Findings of Fact and Conclusions of Law, which appeal has been docketed as Case No. 16-3584 in the United States Court of Appeals for the Seventh Circuit (the “Appeal”);

WHEREAS, Defendants Lee Morgan, Asha Morgan Moran, and Chandra Attiken (the “Individual Defendants”) and the Morgan Family Foundation (the “Foundation”) (collectively the “Defendants”) jointly filed a motion for an extension of time to file their bills of costs pursuant to Fed. R. Civ. P. 54 and Local Rule 54.1 (ECF No. 733), which the Court granted on October 11, 2016 (ECF No. 734);

WHEREAS, Plaintiffs, the Individual Defendants and the Foundation (collectively the “Parties”) previously advised the Court on October 11, 2016 that the Parties are working on a potential compromise of all matters in this litigation (other than disbursement of the settlement payment from GreatBanc Trust Company), including resolution of the Appeal, Defendants’ bill of costs, and any potential motion for attorneys’ fees; and

WHEREAS, the Parties have now agreed to resolve this matter without any further litigation, cost, or expense;

IT IS HEREBY STIPULATED AND AGREED by and amongst all Parties as follows:

1. Effective upon the filing by the Circuit Clerk of the Seventh Circuit Court of Appeals of a dismissal of the Appeal following the filing of a dismissal agreement signed by the Parties as provided for in Paragraph 2 below, and pursuant to Federal Rule of Appellate Procedure 42(b), the Individual Defendants and the Foundation irrevocably waive their right to seek to recover attorneys’ fees, costs (whether or not taxable), or other relief from the Antioch ESOP, any Plaintiff or any of Plaintiffs’ counsel related in any way to this Action; without limiting the foregoing, Individual Defendants and the Foundation agree not to file a bill of costs or petition for award of attorneys’ fees related in any way to this Action.

2. Plaintiffs agree not to pursue the Appeal. The Parties agree to sign and file with the United States Court of Appeals for the Seventh Circuit a dismissal agreement in the form attached hereto as Exhibit A within five (5) business days of the execution hereof by counsel for all parties. Counsel signing below represent that each of their clients has authorized the signing of this document on his, her or its behalf. Each Party agrees that it will take no action before the Seventh Circuit Court of Appeals that is inconsistent with such dismissal agreement.

3. Notwithstanding any other provision hereof, if the Appeal is not dismissed by the United States Court of Appeals for the Seventh Circuit or its clerk, this Stipulation and Order shall be null and void and the Parties shall be restored to their positions and rights as existed immediately prior to the execution hereof, so that the time for Defendants to seek costs under Federal Rule of Civil Procedure 54(d) and for costs and attorney fees under 29 U.S.C. § 1132(g)(1) shall be tolled from the entry of this Order until the United States Court of Appeals for the Seventh Circuit affirmatively refuses to dismiss the Appeal.

The Court having considered the foregoing Joint Status Report and Stipulation, it is so ordered approving the same.

ENTERED:

11/21/16

A handwritten signature in black ink, appearing to read 'JL Alonso', enclosed within a large, loopy oval shape.

Jorge L. Alonso
United States District Judge